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February 23, 2011

VIA ECF AND U.S. MAIL

The Honorable Joseph E. Irenas, U.S.D.J.
United States District Judge
Mitchell H. Cohen Federal Building & U.S. Courthouse
1 John F. Gerry Plaza, Room 310
Camden, NJ 08101

**RE: Bensel, et al. v. Air Line Pilots Association, et al.
Civil Action No. 02-cv-02917-JEI (D.N.J. Camden)**

Dear Judge Irenas:

I am writing on behalf of Defendant, the Air Line Pilots Association ("ALPA"), in response to Ms. Acchione's letter of earlier today, in which she indicates that Plaintiffs do not intend to file a response to ALPA's Motion to Decertify unless directed to so do by the Court.

My recollection is slightly different from Ms. Acchione's with respect to Your Honor's comments at the Final Pretrial Conference on February 8, 2001. I recall your Honor noting that the Court might not require Plaintiffs to file opposition to a motion to decertify, not that they were being excused from doing so in advance, as Ms. Acchione's letter might be read to suggest. Moreover, although Your Honor did remark that Your Honor was not inclined to decertify this action based upon a review of the letters that were submitted just before the conference, Your Honor also noted that the Court would remain open to persuasion after consideration of formal motion.

I note that the Order that Your Honor filed on February 9, 2011, and which set a deadline for the filing of the Motion to Decertify, did not indicate that no response would be required.

Defense counsel have not moved to decertify to preserve this issue for appeal, as Ms. Acchione's letter asserts. We have moved to decertify because we believe, for the reasons outlined in detail in our motion papers, that allowing this case to proceed as a class action will

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result in confusion and undue complexity during further proceedings. We are hopeful that Your Honor will agree after consideration of our motion papers.

I therefore respectfully request that Your Honor confirm that Plaintiffs will be required to file papers in response to ALPA's Motion to Decertify.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "S. J. Fram", with a long horizontal flourish extending to the left.

STEVEN J. FRAM

SJF/mpw

cc: Lisa Rodriguez, Esquire
Martin Green, Esquire
Allen Press, Esquire
Nicole Acchione, Esquire
Daniel Katz, Esquire
John Connell, Esquire

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